WP(C) 4226/2007
BEFORE
THE HON'BLE MR. JUSTICE B.K.SHARMA

As agreed to by the learned counsel for the parties, both the writ petitions are disposed of by this common order.

Heard Mr. D. A. Kaiyum, learned counsel for the petitioner in W.P. (C) No.4226/2007 and Mr. M.N. Islam, learned counsel for the petitioner in W.P. (C) No.1045/2007. I have also heard Mr. M.R. Pathak, learned Standing Counsel, Education Department.

As agreed to by the learned counsel for the parties, I dispose of the writ petitions at the admission stage itself. The grievance raised in both the writ petitions is in respect of a particular post of Arabic Teacher in the school namely, Dakhin Autolabari M. E. Madrassa in the district of Morigaon. While the appointment of the petitioner in W.P. (C) No.4226/2007 as Assistant Teacher against the post has been approved by the District Elementary Education Officer, Morigaon, the petitioner in the second writ petition, has prayed for sanction of a post for her appointment as Sectional Teacher.

In view of the above, Mr. Kaiyum, learned counsel for the petitioner submits that since the petitioner has been working against the post of Assistant Teacher, as has been approved by the authority, the petitioner in the second writ petition cannot claim the said post and consequently also, cannot claim share of Financial Assistance provided by the Government. Mr. Islam, learned counsel for the petitioner in the second writ petition, on the other hand, submits that the claim of the petitioner is only for sanctioning of the post. In this connection, he has referred to Annexure-'F' order dated 14.6.1996 annexed to the first writ petition. The order was issued by the District Elementary Education Officer, Morigaon approving the appointment of the petitioner in the second writ petition as Sectional Teacher of Class-V.

Presently, the dispute is relating to the entitlement of the share of Financial Assistance provided to the petitioner. While it is the case of the petitioner in the first writ petition that the petitioner is entitled to receive the share as per the staff pattern, it is the case of the petitioner in the second writ petition that she is entitled to receive the share of Financial Assistance.

In absence of any counter affidavit filed by the respondent, it is not possible to resolve the dispute. Accordingly and as agreed to by the learned counsel for the parties, both the writ petitions are disposed of with a direction to the District Elementary Education Officer, Morigaon to resolve the issue as has been raised by both the petitioners. He will pass appropriate order after hearing both the parties and the share of Financial Assistance shall be released in terms of the order to be passed by the District Elementary Education Officer.

Entire exercise shall be carried out by the respondents within 2 (two) months from the date of furnishing a copy of this order by either of the petitioners along with copies of the writ petitions and their enclosures.

Writ petitions are disposed of.